

COMMITTEE ON ADMINISTRATION/INFORMATION SYSTEMS

January 9, 2007

5:30 PM

Chairman O'Neil called the meeting to order.

The Clerk called the roll.

Present: Aldermen O'Neil, Lopez, Smith, Forest, DeVries

Messrs.: Mayor Guinta, Jennie Angell, Leon LaFreniere, Deputy Chief Albin,
Tony Simon

Chairman O'Neil stated I just want to pass on to folks that were led to believe that there is a public hearing tonight...there is no public hearing. So, I don't want you to sit here all night thinking one is going to happen. We will have discussions on a number of items but there is no public hearing. If somebody told you there was you were misinformed. There's an opportunity twice-a-month to appear before the full Board and next week the 16th I believe is one of those nights at 7 PM and you're certainly welcome to appear before the full Board then. So, I'm sorry for the inconvenience but somebody should have checked with the Committee first.

Chairman O'Neil addressed item 5 of the agenda first:

5. Communication from Mayor Guinta requesting consideration of the establishment of a Department of Administrative Services.

Mayor Guinta stated thank you, Mr. Chairman, for indulging my time related issues and thank you members of the Board. As you all know at the Board of Mayor and Aldermen meeting last week I had talked about the possible establishment of a Department of Administrative Services to among other things try to improve the quality of service and reduce some of the costs that we incur on an annual basis. So, I was pleased to see members of the Board take such interest. I have provided some documentation and an additional letter for the Board's review this evening and if you indulge me I would like to read the letter into the record then I can talk a little bit about some of the additional information that I've provided to you. The letter that I've written today is addressed to:

Committee on Administration/Information Systems

Re: Department of Administrative Services

Dear Members of the Committee:

Since suggesting the establishment of the above referenced department, I have had numerous discussions with government and community leaders on how to best approach this important issue. I believe we have a great opportunity to review the structure of the Executive Branch of the government of the City of Manchester and owe it to ourselves and to future leaders to provide a more reasonable and responsible governmental structure.

I, therefore, wish to make some initial recommendations to the Committee for its consideration. These recommendations represent only a starting point.

1. The establishment of a new ordinance to assist the Board of Mayor and Aldermen with the reorganization of the executive branch. Such an ordinance could be modeled after Chapter 21-G of the Statutes of the State of New Hampshire (attached) effective July 1, 1983. An ordinance similar to 21-G would help the Board to work within a proven structure that helped the State reduce the number of departments, providing a manageable structure of government for the chief executive.

If the Committee is so desires, a motion to direct the City Solicitor to draft a reorganization ordinance modeled after 21-G would be in order.

2. Several Aldermen have asked me what type of structure and what departments I envision being consolidated into the proposed Department of Administrative Services. Although I have stated that I have no preconceived notion of what departments should be eventually consolidated into this department if it should be created, I think the Committee should consider the following departments as potential candidates:

- Finance
- Information Systems
- Human Resources

- Office of the Tax Collector
- Office of the City Clerk
- Risk Management
- Central Purchasing/Central Fleet
- Facilities Management
- Office of the Assessors
- VISTA Program
- Auditing

My selection of these departments is in no way an endorsement of the consolidation of any particular department. I believe the Board should consider these as well as other departments.

For your convenience, I have also attached organizational charts from two New England citizens comparable to Manchester. These charts are intended only to educate this Board about how other municipalities have streamlined their administrative services divisions to better meet the needs of their citizens and elected officials and those two are Portland, Maine and Cambridge, Massachusetts.

3. Timeline: While I have no definite timeline for the implementation of items #1 or #2 above, I will consider including a Department of Administrative Services as part of my FY2008 budget. However, I will only do so if the proposed department will yield immediate savings. Otherwise, I will wait for this Committee to complete its work regarding this matter. I am also committed to consolidation through attrition; a process that I believe worked well when together we consolidated the Traffic Department in the beginning of 2006.

As I stated to the Board in my original letter, I am willing to work with you to achieve a governmental structure that makes better sense for the needs of the City. I am also willing to meet not only with this Committee, but also with any city leader who wishes to participate in this discussion.

Respectfully yours,

s/Frank C. Guinta
Mayor

Mayor Guinta stated included in this letter is a copy of Chapter 21-G, which you should have. I believe back in 1993 when the state was reviewing how to reduce the number of the 140 departments that they amassed to a more reasonable number they did set out a policy and a procedure thereby I think eliminating some of the political issues that could rise, some of the personality issues that sometimes arise when we try to be more efficient and more effective as it relates to government and the administration of services. I think it makes a lot of sense. It worked very well then and it's still a law on the books and I think if we started out by creating a process that we all agree to it would also serve for future potential reorganizations should future Boards of Mayor and Aldermen believe that that is necessary. If you look at the organizational charts from Portland, Maine and Cambridge, Massachusetts they're set up a little bit differently. But, Portland, Maine I believe has 10...they have 11 overall departments and then they have school on the other side similar to us. Portland, Maine has six general departments and most of the services that are provided become divisions of those departments. I don't know if you've been handed yet the organizational chart for the City of Manchester... that's been handed out...Matt, if you could hand that out. I did print this off...we have, including the Mayor's office 22 departments as we are currently constituted.

Chairman O'Neil stated we don't have that, your Honor.

Mayor Guinta stated Craig...I thought those were provided to the Clerk. We have as it's currently constituted 22 departments that were listed in last year's CAFR. To me that's not really in keeping with today's capabilities in terms of other municipalities whether it's city government or whether it's state government. So, I think it would behoove us at the very least to look at this option, try to determine what internal administrative services we have that could be reorganized and hopefully over a short time we would see, for example, in immediate savings if we were to choose a department right now that doesn't have a department head and if we feel that that department should become a division of a department we're going to have some immediate savings because the structure of that particular department would likely change. I think there'd be personnel and benefit savings immediately but over the long term we would be able to provide a much more consolidated internal mechanism for how we administer government in the City. So, I would certainly entertain any questions and hope to work with you on what I think will be a lengthy but hopefully productive process.

Chairman O'Neil called upon Alderman Lopez.

Alderman Lopez stated just in looking at it briefly...there's a lot of reading and we can't do it tonight...under the 21-G State statute that you have here has that been verified by the City Solicitor in comparison to our Charter as to whether we could do this?

Mayor Guinta stated this is what the state adopted back in 1983. Because we have some Charter requirements and there are certain positions that are directly appointed by the Aldermen we would have to use this as a blueprint we couldn't just adopt exactly their process because their process is geared to meet the State Constitution as well as how state government runs but it could serve as a general blueprint as to how we could define a process and we would obviously have to include our Charter as the basic legal document that would start the blueprint. We would have to consider the fact that some departments do report directly to the Board of Aldermen. I don't necessarily believe that should change and we could ensure that that's doesn't change through this process.

Alderman Lopez stated I was just wondering...all good ideas are good to look at. I know in 1994 and through this year...can I ask you...we're a Committee, number one and we meet once-a-month or sometimes longer than that depending on the structure we've got and it seems to be and I'd like to get your feelings on it. I know there was a task force on many consolidations and I know I worked on the parking...it took me weeks in working with the chairman and the other aldermen to come up with some Enterprise Parking as was recommended for a number of years when the department head retired and we were able to do that. Have you thought about a task force? I know that you want to put it in the budget which is commendable and try to do it but there are so many different things that take place in state law and some of these departments and I was wondering whereby a task force could do this in a professional manner and give us the pros and cons because for us to do this and calling people in...we're going to have to meet...believe I wouldn't mind it doesn't make a difference to me if I meet every day but some people can't. So, I was wondering what your viewpoint of a task force would be.

Mayor Guinta stated I certainly understand the length of time something like this would take because it would be a massive overhaul of how we provide services in the City...reducing the number of departments from 22 to say 10 or 12 would take some time and I wouldn't anticipate that this would be done in a matter of months. I absolutely believe that people like Kevin Clougherty, for example, who's now in the private sector but worked for this very City understands municipal government...also was working for the State of New Hampshire I believe when this occurred or worked with the State of New Hampshire when in 1983 they adopted their model. Bringing people in from the private sector to work on this makes sense and I would certainly entertain the idea of a task force to report back.

Initially when I brought this to the Board's attention my hope was that the Board of Mayor and Aldermen could work in a very collaborative fashion to make this work but if it's the interest of the Board to send it to an appointed committee for recommendations I would certainly entertain that.

Alderman Lopez stated I think it's important that we look at it...what before us... the document before us and does it make sense where we're doing the work on making it work...we have the resources but still there's time limit in order for you to put a budget together with a Department of Administrative Services...it's going to take a lot of time and I don't know if it can be done in 60 days...that's what I'm concerned about are we going to rush this thing or are we going to say we're going to have savings but yet don't have a plan to put together.

Mayor Guinta stated there's two sides to it. Number one, trying to determine if adopting a process is first of all the appropriate step to take. I believe that adopting a process by which this Board of Mayor and Aldermen or future boards of Mayor and Aldermen would adhere to. To establish a level playing field to ensure that personalities don't become problematic or in the middle of a policy debate which is what the state recognized. So, I think at the very least if we wanted to adopt a process we can do that because we have in front of us from 1983 the State of New Hampshire saw fit to do the same thing. We could then address whether we should have the Aldermen working in concert with the private sector or whether we put a committee together to make recommendations to this committee. I believe because we have people who have done this at the state level still have those resources available to us...we could certainly reach out to those individuals to see if they would be willing to assist this Committee or a joint committee of private sector and members of the Aldermanic Board.

Alderman Lopez stated I just want to go back to remind everybody...Ray Pinard did a consolidation report in a committee in 2003 and the recommendation from the committee was made up of various department heads and Ray Pinard and the recommendation is to have a task force and I understand the process that you're speaking of and it's a good idea to have some guidelines to go along with it but to have a complete task force...needs to buy into a mission statement of the Department of Administrative Services and all the other things we have...60 days is a very minimum time...but, if you're going to put it in your budget that concerns me.

Mayor Guinta stated it wouldn't have to be completed in 60 days. What I would want to see is if there's a reasonable expectation of savings, short-term savings that we would see that would be realized in the FY08 budget. This whole process would not have to be completed prior to my releasing a budget and honestly I

wouldn't expect it to be but there would have to be an on going parallel process. As you know a department consolidation or reorganization cannot be proposed as part of solely the budget. It can be proposed in this manner if there's an expectation to realize savings because there seems or appears to be through the process a will of the Board to make this happen...then I would consider adopting those savings in the budget that I propose to the Board of Aldermen. If that's not going to happen then I would likely not include it in the budget. The other point I'd like to make when Mr. Pinard back in 2003 led that effort to provide recommendations to this Board there's a big, big difference. This time we have opportunities because not only have we had retirements but we probably foresee future retirements and this would be the opportunity to use attrition as the best mechanism rather than pitting personalities against personalities. I think that worked very effectively when Mr. Lolicata retired and we were able to look at how to be a little more efficient in creating a division as opposed to a full blown department. I think that's worked successfully, I think that shows that we can do this in a very cooperative manner and there was the original proposal that I put forward was not adopted but we were able to work through a consensus and through a compromise that I think benefited not just the City side but the taxpayer side. We have that opportunity again and rather than a group of people telling us what exactly a department should look like I think it would be very, very important to adopt that process first. Adopting the process does a number of things. It sends a message that we as a Board recognize that over time some reorganization should occur because going from 22 departments and reducing the number of departments will establish over time through that attrition some savings. There may be administrative savings within departments that we could save over time. But, that could be a covenant of the process that we're not eliminating people that we would be eliminating positions through attrition and that way we're sending the right message that we're not trying to eliminate people's livelihoods but we are recognizing the City can provide the same if not better administration and services in a far more cost-effective manner.

Chairman O'Neil stated obviously, your Honor, just seeing this for the first time I don't know if I'm so much in favor of a task force...we've been down there, we've done that on other topics and at the end of the day it still ends up back before this body usually voted up or down many times greatly amended. I think this is an issue that could be addressed by this Committee...maybe you and Alderman Lopez need to talk, maybe it requires a special committee. I do recognize...I want to make sure we don't back ourselves into a situation as we somewhat did this year in accepting a budget with centralized purchasing without having the mechanics of it worked out ahead of time and we hopefully will

address that tonight and to continue to move the process along. I do recognize that by the end of March you're going to be presenting your budget and our entire attention is going to be towards the budget in April, May and June...that's the real world here.

Mayor Guinta stated I think we could wrap that up in a couple of weeks, Alderman. I would certainly appreciate if the members of this Committee would take this under advisement, we could have informal conversations over the next couple of weeks and then determine what would be the next best steps and I'd be happy to talk to the members of this Committee individually to see what direction we should go in and what direction we may be able to go in because I think there's probably some areas of agreement in terms of how we can try to make government a little more efficient. I'd be happy to let the Committee take a look at some of this information. If you need additional information we could provide it and then we could have some individuals conversations about how to best move forward.

Chairman O'Neil asked are there any other questions of the Mayor, thank you, your Honor. Do you want to table it, do you want to refer it to our next meeting as an agenda item.

Alderman Forest stated we've got quite a bit of information here. I would suggest we table it with your suggestion to have Alderman Lopez get together with the Mayor and then bring it back to our Committee maybe next month or in a couple of months and we can go from there. But, in the meantime there's a lot of information that we received all at once.

Alderman Smith duly seconded the motion.

Alderman DeVries stated I think the one additional piece I would add to this is we should ask somebody to outline for us the Charter restrictions that we are under. Also, maybe the job outline so that we know as we even look at realigning some of the departments if we're hitting a threshold for the number of individuals or activities that they're supervising so that we really can start comparing apples-to-apples when we look to see if we're saving dollars or if we're just creating a more expensive department somewhere. So, I think there's an HR function for our high tiered department heads, for a number of employees or duties that they have oversight so that we don't replicate situations that we've had before us recently and ask for the restrictions by Charter...the Assessors is one piece that comes to mind that is restricted by Charter as well as several other of the City Officers so we need to have that noted out so that we're dealing with this appropriately. I'm asking for a friendly amendment.

Chairman O'Neil stated how about if we keep it cleaner and take it as a separate motion.

Alderman DeVries stated sure.

Chairman Lopez stated I'm just wondering if...I agree with the Mayor in the process aspect of it and maybe can we in a separate motion send the State Chapter 21-G to the City Solicitor...can an ordinance supercede our Charter and what are some of the foundations we'd have to have, what kind of a document would we look at here in Manchester versus the state document...along those lines.

Chairman O'Neil stated let us take the first motion which is to table and to allow over the next few weeks a chance for possibly the Mayor and Aldermen Lopez to get together and for others of us to have some discussions about how we think the best process is. We have a motion by Alderman Forest, seconded by Alderman Smith. There being none opposed, the motion carried.

Chairman O'Neil asked is there a motion...you're both kind of heading down the same street.

Alderman DeVries stated it's still appropriate since we've tabled it. I will move that we ask for the advice of our Human Resources Department to give us an outline of the positions for our top tier administrators as well as the City Solicitor to look at the Charter restrictions.

Chairman O'Neil asked does that meet with the questions you had, Alderman Lopez.

Alderman Forest stated the reason why I wanted to table it and have Alderman Lopez get together with the Mayor and come back to our next meeting is to get some information on this. I realize Alderman DeVries is going as far as some Charter amendments that may have to be done, there may be some union issues.

Chairman O'Neil stated I don't think she's suggesting a Charter amendment...is there any state law versus Charter versus ordinance versus labor agreements...if they're applicable...I think that's where she's going...just starting working on more the legal aspect than anything else of what's been presented to us. Am I correct?

Alderman DeVries replied yes.

Alderman Forest stated I just thought we'd work on the information at the next meeting but I'll vote in favor.

Chairman O'Neil stated I don't think it would hurt to start asking the Solicitor's office to start working on this.

Alderman Smith asked do you need a motion or can we just address it to staff for legal matters and let it go there.

Chairman O'Neil asked Tom is that sufficient or would a motion.

Deputy City Solicitor Arnold replied I've got my notes I will be taking care of one way or the other.

Chairman O'Neil stated okay the message is received by the Solicitor's office then. Further discussion on the subject. There was none.

Chairman O'Neil addressed item 3 of the agenda:

3. Presentation by Jennie Angell, Acting Director of Information Services, on "The Disaster Recovery Site: What it Does and What it Costs."

Ms. Jennie Angell, Acting Director of Information Services, stated I'll try very hard next time to get the documents in on time. I'd like to give you a brief update on our department right now before we get into the actual discussion on the disaster recovery site. Our biggest challenge is staffing just so you know. Just to remind you that this time last year we had 18 positions and now with the retirement of Diane and the departure of our Web Administrator we are down to 12. The Information Systems Department understands the issue of every increasing taxes and costs but the department truly believes that we are part of the solution and not part of the problem and I'd just like to take two minutes of your time to give you a two-minute commercial and I'm hoping you'll allow me to do this just so that you understand what we do. You will see in the two handouts...this is on the Tax office...what this is is we did a detailed analysis of staffing in the Tax office and the amount of motor vehicle registrations that they do and if you look at this graph what this means...this is an efficiency chart...we pulled and got information from all of the communities listed on the second chart which is Nashua, Concord, Merrimack and all of the rest of them and if our Tax office was running at the same efficiency level of all of these communities instead of the 5.5 clerks that we have in there we would need 13 clerks in the Tax office to process the motor vehicle registrations that we have. The reason the Tax office

can do what they're doing is they're very well-managed by Joan Porter and she's worked very closely with our office over the years to do everything we can to make her help her staff be as efficient as they can. I just want to bring one example of how we do that. If you look at this chart the average employee...an employee will do an average of 10 registrations an hour. There's a big deal about where you print when you're creating a registration. Working with Joan they got so they could take a minute off of processing each registration. A minute doesn't seem like very much except if you're doing 10 registrations an hour, that's 80 registrations and multiply that by 5.5 clerks that's 7.5 hours and that's one clerk... that's what we do and that's how we feel we can really help with the situation but as you know we need staff to do this as it does take time...that's my commercial and that's all I'd like to say on that. Thank you. What I want to talk about and I know that you have a lot on your plate so I will try to be brief. Obviously, stop me if you have any questions. What I want to talk about is the disaster recovery site, what it is and what it does. The Information Systems Department has a disaster recovery site that's located at the Rines. Having one or several disaster recovery sites is considered best practices for information technology organizations. Our goal is to keep systems up and running 100% of the time for our users...that may seem high but 99% if we were only running at 99% up time that means we have three days of complete down time which to us is unacceptable because down time means idle workers. In the disaster recovery site we have all hardware and software that is required to operate systems in the event of a failure. Just as an example of what a failure is. The day after Thanksgiving one of our servers failed and it was a server that housed all of the files for the Health Department, Office of Youth Services, the Welfare Department and Parks and Recreation. So, if we did not have a disaster recovery site those departments would not have had any of their files available to them for at least 8 hours so they would not be able to work on their systems and would have had down time for that amount of time. Because we have a disaster recovery site there was no down time, no idle time, we were able to move over, they were able to continue working, fix the problem and then we moved on. The reason that the disaster recovery site is located at the Rines is because that room was available when we bought the building, it was a telecom room and we could move into the area at little or no cost. Now, with disaster recovery sites you never can protect yourself from everything so what you do is you go after and try to predict what may happen. A good amount of disasters can or outages can be planned so you plan for them. There are different types of disaster recovery sites...this is a local site and what this will encompass is for things like local fires like when the Health Department burned down we had a disaster recovery site and we were able to move their services over there. It covers for localized floods like the floods we've had at Information Systems, the Rines Center and floods in the basement of this building. Equipment failures...this is one of the main ones. We have a lot of equipment and a lot fails so having the

disaster recovery site allows you to continue functioning. Certain types of power outages...this year the power coming into the Fire Department lost one phase. We didn't really lose all of the power but the generator didn't kick on so we didn't have power and it took several hours for them to figure out what was going on because part of the building was working and part was not, so that's what we did. It covers for certain types of service outages...this fall we also had an issue with the Internet, the Internet kept going up and down...we have two Internet service providers and we ended up Verizon had to change the cable because there was water in the cable and we would have had an outage for three days. So, that's that the disaster recovery site covers. As I said this is a localized disaster recovery site for local disasters. If we had a regional disaster this may not be something that would work for us but we have an informal agreement with the City of Portland to cover us for things like HTE. So, that's what the disaster recovery site is. I want to touch briefly on the chart, you can read the chart in the first column it tells you what the function is, the second column called "Realtime PoorMans Nightly"... Realtime means if you're saving a file, when you save one site it automatically saves it to the other site so it's immediately offsite. Then we have replication...we refer to it as "PoorMans" because we don't have all the replication in place so what happens is you save your files, they're there and we have a system at the disaster recovery site so we have a place to move you to but it is not getting replicated in realtime so that would happen is if there was a system failure we would take out backup tapes and restore. If you look in the column...those that are "PoorMans" I've listed approximately how long there would be downtime. Our goal is to get everybody on Realtime replication so we don't have service outages but we're still working on getting there. I've got a list here of initial cost...a lot of the hardware is recycled. When the older hardware is replaced with newer hardware we move the older hardware to the disaster recovery site so we reuse the equipment. Some applications allow us to use software without having to pay additional fees. Some allows us to and some doesn't so those costs are listed here. I've got the list of the potential threat and the affected departments and if you look at it all departments would be affected by some outages depending on what they are some more than others but everybody depends on it including Fire and Police dispatch so that is what the disaster recovery site does. We do have planned upgrades from what we consider PoorMans to the Realtime...like file servers it's just a matter of time where we're so short on staff we haven't had time to get everybody over but we're still working on it and HTE as you see is still on PoorMans replication. We have everything in place especially with the lose of our last Application Developer we haven't had the time, we don't have enough people to get the stuff implemented and then when we get the new Police and Fire CAD all of that will be replicated at the disaster site which also happens to be the back of BOC. Nothing in this disaster recovery site is guaranteed. We tried to reduce failure and outages to as closed to zero as possible but failure of systems

can mean loss of productivity for 900 users there could be lost data and it could also be damage to system infrastructure or even worse. So, that's what a disaster recovery site is, does and that's what it costs.

Alderman DeVries stated I thank you for bringing the information. If I missed it I apologize but have you addressed how much of this is considered best management practices versus items that are required by either grant commitments or other regulations. I think the computerized dispatch we've accepted some money and that duplicity was part of the grant agreement.

Ms. Angell stated computerized disc...I'll be honest with you I'm just coming up with speed with on the computerized disc system. It is built into the structure and the costing...it will be there. As far as requirements I did speak with Randy on this briefly and for best practices and replication your financial institutions and your banking institutions are required to have these...government usually lags a little bit behind. I would expect it to be coming but I don't see regulations where it's required but it is considered best practices because if we lose this, if we lost for example all of the Assessor's records we would lose the City's ability to raise revenue and so it is considered best practice but I asked Randy if this affected the bond rating because I had to provide all this information on his working on putting out another bond sale and he said it's probably not enough to tip the scale to push us up to the next level but it does show good management practice which does help.

Alderman DeVries stated when you talk the weekly support hours in the column and I'm just hoping that maybe you can touch on those...help me understand what's involved.

Ms. Angell stated what we have here...we have replicated systems and so we have...I'm not going to say twice as many servers but if we didn't have disaster recovery facilities we would have less servers and this plays along in when we were looking last year at staffing levels of different organizations...there were departments that were staffed similarly to the way we were last year and departments that were staffed similarly to the way we are now and those who were staffed the way we are now typically did not have disaster recovery sites along with a few other things because you have...just for Internet access...we have Internet coming in in two different points...we have it coming in at our main computer room and the disaster recovery site. We have it in two points so if one goes out and the Internet goes out more often than you might realize we can reroute through the other...we use both because we use the band with them both. But, since we have two we also have two proxy servers, we have two fire walls, we have two spam servers and each one of those needs to be managed, each one of

these needs to have updates and such so that takes time because we don't have twice as much equipment but we have substantial additional amount of equipment. And, that equipment like all of the other equipment to be ready has to get all of the service releases, all of the patches, all the upgrades that all the other equipment does and if we don't do this then it's not ready for a disaster. The other thing that's important to note is equipment is not just sitting here waiting for a disaster or an outage. We use it for testing, service releases and patches before we put them up. We use it when we're upgrading equipment so we don't have to take people down to pay overtime hours, we can move people over to over here do what we need to do on their regular system, we do that also. But, maintaining these systems takes additional time because you've got more systems and so that's the time. One of the things we looked at when we were trying to figure out what to do with the reduced staffing is is this something that has to go and we definitely think it would really hurt us...definitely would hurt the City because there will be outages but we're trying to see what we can do to keep this going but it does take time and resources. It also does add to our service agreements which have been questioned in our budget...why they're so high...but, we have to pay for maintenance for additional equipment, it's part of the cost.

Alderman DeVries stated part of that discussion in the tight budget times...did it talk about trying to go out through a private vendor to get some level of backup or is...and don't overload me with technical because that's not my...but, is there technical reasons that because of the way you actually have to have the hard systems in the streets that this is not something that could go offsite to a private vendor under contract to back the City up.

Ms. Angell stated we did have a private contractor for HTE up until three years ago...it was \$25,000/year and all it would offer us was a place to take pick up and take our backup tapes and go in the event that we lost the system that runs HTE. It did not give us anyplace to do any testing, it didn't give us any place to do it, it didn't give us any extra Internet capacity, it didn't give us a lot of other things so we looked at this and said that the money would be better spent because we need to do these things anyway and SunGuard that we had would only work on a major disaster, wouldn't do anything for us for these mini fires, mini floods...the small disasters, the small hardware outages, it wouldn't do anything for that...when I was talking about where the Internet went down and we moved it over to the other one it wouldn't help that...the file server that was lost the day after Thanksgiving it wouldn't have helped that.

Alderman DeVries stated so for roughly doubling what was spent with the private contract previously we not only picked up the increased backup to many other systems but we backed up other vital services in real time like the Internet.

Ms. Angell stated yes.

Alderman DeVries stated and we're able to backup our computerized dispatch, our emergency dispatch as well.

Ms. Angell stated right and in addition to that, for example, we're going to be looking to upgrade our GIS system to the next version...there is so much data we have to move all the data to someplace to do the upgrade and we will be using the disaster recovery site...the facilities there and the storage space to do that and if I didn't have it we would have to be buying storage space to be able to do that. So, deciding not to have the disaster recovery site there's still going to be a cost associated with it. So, what we're doing is...we feel we're leveraging the value we're getting out of this much...we're doing a better job of getting more value out of what the City is spending.

Chairman O'Neil addressed item 4 of the agenda:

4. Communication from NeighborWorks Greater Manchester submitting proposed ordinance amendments relating to negligent property owners/landlords.

Chairman O'Neil stated this appears to be the item that most of you are here for.

Alderman Lopez moved for discussion. Alderman Forest duly seconded the motion.

Alderman Lopez stated I know, Mr. Chairman, that you said this is not a public hearing but are we going to have some type of presentation.

Chairman O'Neil stated I was not aware there was a presentation. We did receive today, I believe, a copy of a communication from Attorney Arnold referencing a staff meeting that was held on January 3rd with review of the proposal from NeighborWorks...I don't know if any of you had a chance to review it yet.

Alderman Lopez stated yes I was going to reference one of the comments that Tom Arnold made in reference to 150.151 Lien..."the City does not have the ability to enact a statute permitting the City to place a lien on private property. Empowering the City to place such a lien will require state legislation." We have two representatives Aldermen Long and Forest...if this is a direction we should go then we should send them a letter to get this amended so that we could put a lien on it because I think that is a plus because as we all know the situation we have

and people are just throwing the stuff out there. Now, to say that a lien is going to take care of the problem...I'm not naïve...I don't think it's going to take care of the problem but at least we'll get our money back. Reading some of the documentation...21 citations, 18 citations and people are just sitting around and we can't get our money...we still have the same problem...we've got to send Highway to pick up and every Alderman has had that experience within their neighborhoods. Unfortunately, we do have to do something because what we have in place is not working so some of the recommendations of going to \$250, \$500 and \$750. I don't have a particular problem with it in moving forward. Whether or not that's going to be a burden on some of the people yes, some of the people it's not going to be a burden on because I know some landlords that do take care of their property very good. I have no problem in moving forward in any direction the Committee wants to go because I know they all have problems in the neighborhoods and it's a major problem in the community. Thank you, Mr. Chairman.

Chairman O'Neil stated it may be appropriate just to have the Clerk read the letter into the record...Matt, would you be so kind.

Deputy Clerk Normand read the letter into the record:

Committee on Administration/Information Systems

Re: NeighborWorks Greater Manchester

Gentlemen:

At its meeting on December 12, 2006 the Committee o Administration/Information Systems voted to refer a communication from NeighborWorks Greater Manchester, dated December 5, 2006 to city staff to come back with a report.

In response to the committee's vote, Matthew Normand, Timothy Soucy, Philip Alexakos, Leon LaFreniere, Matthew Sink, Dale Robinson and myself met on January 3, 2007. Staff's recommendations with regard to NeighborWork's proposed ordinance changes are as follows:

With respect to the proposed increase in section 38.06 CITATION PENALTIES staff agrees that increasing the fines may encourage compliance with the City's litter and sanitation ordinances. Staff also felt that increasing the amount of the fine if it is not paid within 7 days would encourage compliance and quick payment. While staff did not feel that the

finer should be increased in the amount suggested by NeighborWorks staff did feel that a fine in the amount of \$200, \$300 and \$500 for the first, second and third offenses respectively would be appropriate. In addition staff has identified various sections within the Health and Sanitation ordinances that should be increased along with the Housing Code sections identified by NeighborWorks as they address litter and sanitation. A proposed ordinance increasing the penalties for the identified sections of the ordinances is attached for the committee's consideration.

With regard to the proposed change to 38.04 CITATION DEFINED: CONTENTS, staff did not feel that it is appropriate to require that a citation be issued for each and every day a violation exists. Staff is aware that each day a violation exists is a separate offense for which a citation can be issued and in appropriate cases City Departments have issued multiple citations for ongoing violations. Staff did not feel that a citation for each day should be required. Each violation for which a citation is issued must be verified and documented in anticipation of having to prove the violation in court. In addition to not being appropriate in most cases verifying and documenting a given violation on a daily basis would require more resources than are available especially where city departments deal with many different offenders in a single day.

With regards to NeighborWorks proposal to add 150.151 LIEN the City does not have the ability to enact a statute permitting the City to place a lien on private property. Empowering the City to place such a lien will require state legislation.

NeighborWorks' final recommendation is to add a section (B) to 91.69 DUTY TO MAINTAIN PREMISES FREE OF LITTER requiring a landlord to provide to tenants a pamphlet setting forth city ordinances regarding trash, garbage, rubbish, yard wastes and furniture and the proper disposal thereof. Staff does not feel that implementation of this recommendation is feasible. The city departments involved do not have the resources to insure that landlords give such a pamphlet to each of their tenants. Even if the resources were available the departments involved believe that such resources would be more productively used in other education efforts. With respect to landlords, citations issued by the Health Department already set forth the provisions of pertinent litter, trash and sanitation ordinances.

Staff will be in attendance at the committee's next meeting should the committee wish to discuss NeighborWorks Greater Manchester's recommendations.

Very truly yours,

s/Thomas I. Arnold, III
Deputy City Solicitor

Alderman Smith stated as you well know I initiated this quite a while ago. It's been several years with one piece of property regarding 131 Parker Street...there must be 50 pages of documentation and it seems like he uses the legal process. I have to agree with the Committee that we have to do something in raising the rates...a definite must. I also would like to advocate again for a Sanitary Compliance Officer...I think it's necessary...I know there's some attitude about funding but I think it's necessary now. I always take pictures to back up my words...I have pictures here of the condition and the conditions are stated in all the paperwork of residences in my ward. I've been trying since 2001 to get some satisfaction. I would like to say and I'm not picking on the Building Department but I think we need more enforcement and they need to go out and enforce the rules and regulations we have. I can't be going to every Tom, Dick and Harry in the ward that has a problem. Regarding the proposals...I'm all for the rate increase and I would just like to say this is one thing and for everyone watching TV no garbage, rubbish or yard waste shall be placed for collection prior to the day before till 4 PM in the afternoon. Now, over in my ward Chris Leoni called me up in September and they had the garbage out there seven days-a-week. I have one picture that was taken today on Parker Street bridge...that's where the garbage is on the sidewalk...you can't cross the bridge so the garbage is on the sidewalk. I think it's a matter of enforcement and it's a matter of getting a compliance officer right away and I'm sick and tired of the complaints that we're getting...not from the residents about the excuses and so forth. It's up to us, we're Aldermen...the ball starts here and it's up to us to do it and I'd like to advocate as fast as we can to get a Sanitation Compliance Officer funded. I'm not picking on the department or the Police Department but we found \$56,000 to get a dog we should be able to take care of our own sanitation in our own City...thank you very much.

Alderman Lopez asked Leon where do we stand...I know you don't have a compliance officer but you've got this new position. How did you restructure this for citations?

Mr. Leon LaFreniere, Building Commissioner, replied there hasn't been any restructuring of citations...citations remain one of the tools that we use in our enforcement efforts and there is no new position per se that has been approved or filled yet. The vacant position that we did have that we received approval to fill we anticipate the individual to be starting shortly and that person will be assigned primarily to the NET Team in their enforcement efforts. So, with regard to the citation process there has not been any change at this time.

Alderman Lopez stated in understanding the citation officers it's a matter of complying with the ordinances and issuing a citation.

Mr. LaFreniere stated the citations are one tool that we use in our enforcement efforts. I know I'm repeating myself but we utilize a number of different efforts to gain compliance. Citations in effect are a tool of last resort because they require significant staff resources not just from the issuing department but also from Ordinance Violations Bureau, the Solicitor's office for prosecution efforts and so on and it's also not a tool that yields immediate results in that if a citation is paid immediately that doesn't result in an of itself in compliance...that only results in payment of a penalty for non-compliance. If the citation is not paid then it requires a process by which we need to get somebody into court and it's a quite lengthy time process that again can only result in the most extreme cases in compliance once there's an order from the court. So, it is an effective tool. We do utilize it frequently, however, it is not the only tool and we have found quite frankly that we are most effective in our enforcement efforts if we get compliance prior to reaching the point at which we would issue citations but the citation becomes an area where we utilize it as a measure of last resort as I indicated. I suspect that if the citation ordinance is amended as we have proposed on a staff level that that may in fact offer additional opportunities for incentive to gain compliance...that's why I support it on behalf of the Building Department. In addition to that we had a rather lengthy discussion with the various departments that are involved with this discussing alternatives that we could implement to improve the efficiency of the process, to improve the effectiveness of the process. In many cases those would require additional measures such as amendments to state legislation and those are areas where we are currently undertaking investigation to try to figure out where we could go with this, what types of legislation we could seek sponsorship of to permit that particular resource to become more effective.

Alderman Lopez stated let's talk about the pamphlet...why we couldn't...we could get the resources...why wouldn't a pamphlet...statement was made that we don't know if the owner would give it to the people...they go in for a Certificate of Compliance or they go in for a permit to do something...we could have those

available at the City Clerk's office where they could be given when they register to vote and such...just having something available to give people to make sure they understand the ordinances within the City and by doing that working with their landlords they would understand the penalties. Wouldn't this help.?

Mr. LaFreniere stated I hesitate to speak for Mr. Arnold since he was the author of the letter, however, this was something that was discussed at the meeting that we held and from my perspective you frankly touch on what the result was of that discussion which was that this is information that is available...the Health Department makes this information available and circulates it, the Building Department does as well. We can and will make additional efforts in our outreach activities to circulate this information. We are aware that the Highway Department circulates this information. The problem with the proposal we felt or at least I felt as part of the discussion on January 3rd was to mandate this really didn't seem to be potentially as effective as just concentrating on our efforts to get this information out there and available, making this information available, making sure that the various outlets and the various departments that are involved with this issue have the information available and do the best to circulate it we think is a valuable tool, however, mandating it in the form that the proposal came to the Committee or came to the Board we did not feel was as necessarily as effective because it was something that would be very difficult to regulate and very difficult to administer and the effectiveness we felt would be somewhat questionable. Or at least from my perspective I think we felt just having this information available and circulating through our existing means and investigating additional means to circulate this information might be more effective.

Alderman Lopez asked is this something or do we do it now...publicize it on MCAM and MCTV...some of our Building code and Regulations.

Mr. LaFreniere replied we are doing that now...the various departments have done this sort of activity. Again, I hesitate to speak for what the outreach efforts have been in other departments but in the Building Department we have undertaken some of those efforts and are always looking for additional opportunities to expand that effort.

Alderman Lopez in reference to the Compliance Officer mentioned by Alderman Smith stated I just want to make sure that the Compliance Officer has the authority to do a lot of things that we expect him to do and yet...Matt, in writing the job description did we give enough authority...have you reviewed it as to whether he could write various citations...I know some of them...Health, Building...are we still going to use him on the NET Team is that the intent of it or is it going to be strictly a Compliance Officer for lack of any other word "Gestapo" in the City?

Deputy Clerk Normand replied I believe it's Leon's position.

Mr. LaFreniere stated I think we're talking about the Compliance Officer that would be under the control of the Public Works Director.

Deputy Clerk Normand stated that would be under Frank's direction and I'm not sure however he choose to assign it that would be up to him.

Alderman Lopez stated maybe another day for discussion but it seems to be that a Compliance Officer would be the lead person to maybe do the NET Team but that's another day for discussion like I said because you have a job to do. I don't think all of the things have been worked out as to what this individual is really going to be doing totally and that's what I'm concerned about.

Chairman O'Neil stated can I ask Alderman Lopez what individual are you talking about...the Building Department's person or the Public Works person?

Alderman Lopez replied the Public Works...the Compliance Officer.

Chairman O'Neil stated Leon can you just remind the Committee of the intent of this position that was agreed to be filled. I know it was an existing position that was vacant for some period of time I think it maybe became vacant because of a promotion within the department.

Mr. LaFreniere stated this position is technically a Housing Inspector position. It has traditionally been utilized as a flex position that we have used to concentrate on enforcement efforts to support the efforts of both the Housing Code administration as well as the Zoning Ordinance and Building Code administration as necessary. The person that filled this position previously is still with the department and through an internal promotion became our Building Inspector upon the retirement of the previous Building Inspector. So, although it is technically a Housing Code Inspector position we anticipate the utilization of this position especially in this time and critical need to assign initially at least to our enforcement efforts to fill the void that was left when that position was vacated and be able to concentrate on our zoning enforcement efforts and support of the NET Team. So, that is really where we're anticipating going.

Chairman O'Neil stated because this was an issue I remember a discussion before the Public Safety Committee and there was some hesitation about cross training and I don't know wherever that went. There was some discussion...Mr. Sink may have been here I think with Mr. Gagne that night and there was some discussion about the fact that should the Housing Code Inspectors also be cross trained to do

some of the zoning violations that they witness as opposed to having to have two different inspectors go out on the same property. Have we made any progress on that and secondly is this person “going to be cross trained” in their enforcement capabilities?

Mr. LaFreniere replied absolutely to the second part first because I think that’s the easiest part of your question to answer. The person that we’re bringing in will be utilized in this flexible enforcement capacity. I anticipate that this person would be utilized to fill the needs of the department and the NET Team as necessary to enforce whatever ordinances.

Chairman O’Neil asked is this similar...in one period of time we had it concentrated in Representative Simon and I had a discussion earlier today about and he reminded me of the concentrated enforcement person we had for a number of years...the role would be somewhat similar?

Mr. LaFreniere stated the role would be similar to what that person was anticipated to be...that position as you will recall I’m sure was a federally-funded position and was concentrated into the code enforcement areas defined by the low and moderate-income housing criteria area within the City. This position will not be so limited but yes the efforts of this position will be much the same...will be a concentrated code enforcement.

Chairman O’Neil asked where are we with the cross-training and I think there was a willingness...I don’t want to speak for my colleagues...if there was some money needed for this to happen that we would be willing to commit some money.

Mr. LaFreniere stated I don’t see this initially at least as requiring significant resources in the form of money for training. What we have done thus far is had the Housing Code Inspectors rather looking at the sites as they go through the City and as they are conducting their activities under the Housing Code Compliance program picking up such issues as unregistered vehicles and trash in alleys and so forth. The problem that we have in dedicating the resources that they represent that those individuals represent to these enforcement efforts such as the NET Team is undertaking is that their schedules are programmed out in a considerable timeframe so that property owners can schedule their time and their tenants time to get us into buildings and so on and if we in fact take blocks of time out of their schedules that is currently utilized to maintain our compliance program that will have the result of setting the Certificate of Compliance program back further and right now our timeline on the 3-year Certificate of Compliance program is typically somewhere in the order of 40 to 46 months on an average as opposed to 36 months in some cases.

Chairman O'Neil stated we're not assuming that every site they visit is going to have a zoning issue.

Mr. LaFreniere stated no that's what I'm saying when they are at these sites and they're there anyway and they're in the vicinity and if they're going by...if they're inspecting "X" property and "Y" property next door has a problem they are expected to note the problem and take an enforcement action against it.

Chairman O'Neil asked how about if they're inspecting 151 Smith Street for a Certificate of Compliance and there's a zoning issue there...an abandoned car or something like that they are currently issuing violations.

Mr. LaFreniere stated yes that's the immediate action.

Chairman O'Neil asked are there statistics on that. If there are I'd love to see them because we were led to believe that that was a major concern.

Mr. LaFreniere stated that had not been happening.

Chairman O'Neil stated that is fairly recent though.

Mr. LaFreniere stated yes.

Chairman O'Neil stated that's good to know.

Mr. LaFreniere stated in response to your question about the cross training...we had been working with the Housing Inspectors to start picking up on those issues.

Chairman O'Neil stated that's good to know...that may be a tabled item in the Public Safety Committee...I honestly can't remember but I think they were supposed to get back to us at some point.

Mr. LaFreniere stated if that's the case it was an oversight on our part.

Chairman O'Neil stated it's good to hear that it's going on...I'll yield to my colleagues.

Alderman Smith stated Leon every time we've met...we've met 30 times this year and it comes down to enforcement and you tell us we need more teeth. What would you recommend to us because I'm all for the Compliance Officer because I think it will alleviate some of your work that you do inside the house and let the Compliance Officer take care of the unregistered vehicles and so forth. I have

pictures right here with three unregistered vehicles just taken yesterday...they've been there for about a month-and-a-half and I brought it up to you. I'd just like to know what tools you need to address it. I'm getting calls and I'm really perturbed...I've had it up to here...Ward 10 has Granite Street. If you take Granite Street you have some awfully dilapidated houses and then toward the west side beautiful houses and these landlords are being devalued because of this mess and I'd like you to tell us what we ought to do because believe it or not we're going to do it.

Mr. LaFreniere stated what we're anticipating is getting the additional staffing resources will go a great deal towards our goal of getting some better enforcement. Right now, with this position that we've had vacant for over a year it's been difficult to assign the staff resources to get out with the frequency that is necessary to prod some of these property owners into compliance. So, that's a huge issue and the secondary issue goes to a big part of the discussion that we had on January 3rd with the other departments on what types of ordinance and statutory changes we could implement or we could request be implemented that would provide us with more effective tools by which we can go seek compliance and that I think is where a huge potential rests if we can get some statutory changes that will provide us with the opportunity to get immediate reaction from the courts on these citations that we issue. Right now, the court system is so plugged up with civil and criminal cases that it's difficult to get the attention that we feel is warranted to a lot of these violation complaints and so there was substantial discussion around what types of statutory changes could be affected that would make that process more effective and I think that's one of the things we're looking at seriously now and would hope to bring a proposal forward to our local legislative delegation to put something on the table to help us with that.

Alderman Smith stated Leon I certainly agree with you. What changes in ordinances...because we can do that...statutes we know we can't and I haven't heard anything from any department, have you heard anything about ordinance changes through the Solicitor or anything else like that and I thoroughly agree with you that you're understaffed there's no question about it but it's a matter of enforcement and if we can help you out with some ordinance changes to implement your staff to do the job better all well and good.

Mr. LaFreniere stated part of the dilemma is that the tools that we have to gain effective compliance are limited and they're limited more often than not by the statutory constraints and so we have available to us the opportunity to issue citations but if the citations are limited in effectiveness because of the length of time it takes the court's reaction and the resources that they demand on the City side to actually process them then how do we make them more effective. So,

that's one of the things I think we need to work on. With regard to other changes the proposal brought forth by NeighborWorks were subject to a great deal of discussion with regard to the increase in the amount of fines and I'll tell you frankly I went into that meeting not convinced that increasing the fines were necessarily going to be ineffective tools but after talking with the other departments and really walking through the process of the citations, how they are issued, where they are effective and where they are not I came away convinced that increasing the fines I think is a very positive step we can take on the local level to provide additional teeth and an additional weight to that tool that we have available to us.

Alderman Smith stated Leon like 406 Granite Street...we met, we went down to the Assessor's office...Will Stewart was there, Dick Duckoff and we can't find the person...have you found out...we know the name but we can't seem to get the person and I really think that that's a building that should be taken over by the City and reconstructed for affordable housing. Have you found out anything about 406 Granite?

Mr. LaFreniere replied we have communicated with the owner of that building. The Water Works has a mailing address for billing as well as a couple of phone numbers that we've utilized to contact the building owner...we've certainly indicated to the owner the compliance steps that need to be taken and so yes we've identified we believe the responsible party in that case.

Alderman Forest stated I think we've been discussing this subject for quite a while. I personally do not have that kind of problem in my ward mainly because there's a lot of commercial buildings in my ward that have dumpsters. I do get calls for both the edge of my ward which is Alderman Thibault's ward mainly because half of Alderman Thibault's ward used to be in Ward 12 until they moved it but I still get people who call me. The Compliance Officer we've been talking about for two years. If the Chairman will allow me to do this...we as a Committee can increase the fines...we can do this tonight and get it to the Board of Aldermen. So, I suggest if the Chairman will allow and I'll move that we, as a Committee, vote for the increase in fines, send it to the Board and get that done tonight.

Chairman O'Neil stated before I accept that I want the discussion to continue a little bit.

Alderman Forest stated the second part I want to talk about...again, I spoke to Representative Tony Simon who I believe used to have a similar job, he was a department head and I think he was a Compliance Officer and he was one of the unfortunate people who got cut one year because of lack of money and I would

like to make a suggestion that we, as a Committee, allow Attorney Simon to work with staff to come up with some suggestions about the state laws and other things and then get back to us at the next meeting. I believe Attorney Simon has agreed to this and then we can get that part of the state reps and all involved in it.

Chairman O'Neil stated I would like to bring Attorney Simon up but let's finish with Mr. LaFreniere. Alderman DeVries do you have questions for Mr. LaFreniere? Alderman Forest any questions?

Alderman Forest replied no.

Chairman O'Neil asked Alderman DeVries any questions for Mr. LaFreniere?

Alderman DeVries stated if I might, Mr. LaFreniere, you're speaking about needing some statutory changes. Is this something that's going to be ready or can be made at least ready within a matter of weeks to initiate legislation for this year so we don't have to miss a whole year?

Mr. LaFreniere replied I probably would need to defer to the Solicitor's office with regard to what type of timeframe would be necessary to assist in the preparation of that but I certainly would offer up whatever assistance that we could as a department try to move that forward. I think it became clear when we met with the staff of the various involved departments that this was the direction that we needed to pursue if we were going to increase or enhance the effectiveness of this enforcement tool.

Alderman DeVries stated you said it would not only increase and enhance the effectiveness but it might also streamline the process and potentially make it more labor intense or less labor intensive through the citation process.

Mr. LaFreniere stated I'm not sure if that's the case and it could become less labor intensive I suppose if the tool or if the citation as a tool became so effective that we didn't have to dedicate the additional staff resources required by other departments for prosecution purposes but that is a pretty established process. If I issue a citation and the citation is not paid then ordinance violations has to process that and the Solicitor's office has to prosecute it. So, I'm not sure what opportunities are there and I'm not necessarily the person who's best equipped to respond to that question I don't think.

Alderman DeVries stated I will ask the same question of the Solicitor but I have one more question of you before I go there because certainly in other states it appears that there are able to deal more effectively than we do here in the City

with demanding that property owners do certain things and I think we go to Massachusetts where certain cities have on the books they demand that property owners shovel the sidewalks in front of their properties and there's a violation that's enforced even for something at that level. So, clearly, other states have figured out ways to enforce their different ordinances more effectively than we have in Manchester. So, are we looking at other states to replicate their efforts to update our statutes in New Hampshire?

Mr. LaFreniere stated I certainly am aware of what some other states have done in the form of having dedicated land use courts or having the court system dedicate certain portions of their docket to land use cases and the signing justices who are sensitive to those issues and are not necessarily so burdened with other case loads that they can't concentrate on them. I personally...again I'm not sure if I'm the person who's best equipped to respond to that question but I do think that looking at what other states are doing and potentially introducing legislation in that direction is something that has real potential.

Alderman DeVries stated thank you. So, if I can ask our City Solicitor, Tom Arnold, is proposed legislation going to be ready because as you know the standard filing period has closed but we can stay on the senate under rules if you have late legislation, if you have something preliminarily ready for me this can be filed as long as by the time it's in committee we are ready to amend and complete the process. So, if within the next four, five weeks we can finalize the process we can still introduce something this year.

Deputy City Solicitor Arnold stated I guess once we identify what we actually want to do in terms of state statutes I know that the lien process has been mentioned tonight...I would hope that we could accomplish that in four or five weeks but oftentimes it is a...you've got to be careful of the process in looking at what you're doing because there's oftentimes an interplay between different state statutes and City ordinances that you want to be careful that you take into account so that the legislation accomplishes what you want it to accomplish.

Alderman DeVries stated certainly there are attorneys that are going to look at the proposed legislation for conflicts with other statutes on the books. I don't know that we need to complete that process here in the City and I'm not sure it's a lean legislation that we're looking to amend as much as other thoughts that Leon LaFreniere has. So, maybe if we could pull this into a quick...a meeting that is in the very near future between myself, Senator Gatsas, Senator D'Allesandro...get a

mini Senate delegation meeting going where we can see if we can actually put something through and get something going on the books or if this is going to take several months to develop these statutes and be introduced next year. My hope would be that we could do something sooner.

Chairman O'Neil stated Leon before you go can you get us information the last time we took somebody to court...maybe a little history of the last few years and provide that to the Committee.

Mr. LaFreniere stated put that information together.

Chairman O'Neil stated that would be helpful. Secondly, if we could get when the Housing Code Enforcement people started doing zoning because that was news to me that that had happened. I think it's great if it has but when did it start and there has to be some statistics on when they're out on a Certificate of Compliance inspection...zoning violations that they found and that they've cited those owners for those zoning violations. So, I'd like to see some numbers on that if we can and when that started. Any other questions for Mr. LaFreniere.

Alderman Lopez stated I just wanted to make a comment...the reason I was laughing was because Bill Cashin and George Smith and everybody's been trying to take this one individual and solve the problem on the west side and it's been 22 years, George.

Alderman Smith stated at least that.

Alderman Lopez stated it's difficult when you get in the court system because they don't think it's a priority.

Chairman O'Neil stated because I asked him to come this evening I'd like to ask Representative Tony Simon to come up. Tony, thank you for being here. I know you spent a good part of your professional career on this subject matter and you and I spoke several times today and I just want to summarize our discussion. Number one, you believe it's an enforcement issue.

Mr. Tony Simon stated without question.

Chairman O'Neil stated secondly you cautioned me to be careful with the raising of the fines too much because there could be a may force legal action versus if the fines are increased to a modest increase may force correction...if they're too much it may force legal action which will draw the particular incident or violation out and it doesn't get addressed, is that correct?

Mr. Simon stated you've heard about lawyers who leave facts...raising the fines to this level would, in my opinion, create another lawyer's relief act because all it would do is take the focus off correcting the violations and put the focus on avoiding the fines and that's not the worst of the problems. But, I certainly believe it would have that effect. And, I would add and I think you all know the history. I worked as the City's Housing Code Director, I was invited to go out and practice law again which I did happily but I have a very strong feeling about it and commitment to housing because housing is the bedrock of this City. When I was Director of the Housing Code Department we had a very elegant citation system and the fines are I suppose laughable by today's standards...first offense was \$25, second offense was \$50 and third and subsequent were \$100 and each one of those doubled after seven days if they hadn't been paid. But, I will tell you that in most cases the moment we gave the recalcitrant property owner that first \$25 citation it was wow you mean this is going to cost me money, I can get penalized for not doing this and the answer was yes...you can and you will. We don't want to penalize you, it's not our goal to penalize you. It's our goal to get you to spend your money to fix the violations not to pay fines. So, if you raise the fines to too great a level you take away the sting effect and you make them the body glow and that deters enforcement rather than enhances it. I must confess and I'll say this and then I'll shut up because I care of this issue and I could speak for hours and that's without prepared remarks...my prepared remarks would probably go to days. The point of code enforcement is the process. You know code enforces everybody's mother in a sense. How do you get your kid to clean up your room, how do you get your kid to do one of many things. The key is in the process. The key is having a clear ordinance and a good ordinance which we have particularly the Certificate of Compliance program which I did not like but which I modified or I recommended that the Board modify along the way but I didn't write it, it's brilliant, it's innovative, it's simple, it's elegant. Cities our size all over the country should be doing it because properly utilized it really works but the key to enforcement is having a process, having a procedure and routinely going through the procedure, inspecting of buildings, identifying violations, notifying the owner of the violations and then reinspecting to make sure that those violations have been corrected and when there's no compliance...remember the inspectors are dealing generally with the responsible party or agent of the responsible party...why aren't the violations corrected and depending on the response you get is where the process goes from there. But, during the process you write inspection reports, you take pictures if you need it because I'll tell you one of the first things I said to my people when I walked into Housing Code was I'm not here as a paper tiger. This is a great City, it's got housing problems but we're going to get results. I'm not here to be a paper tiger so don't bother writing a violation unless you're planning on going to court. Although court you use in a very small percentage of the situations, it's the last resort but it can work, it does work and I understand

from the court system it can work, it's only the ultimate, it's only the end...you try and avoid it. But, we documented the violations and we were persistent. When we reinspected there were reinspection fees and the people that we met we knew that there would be a consequence if they didn't do their work. In fact, that's probably part of the reason why I was invited to go practice law again in 1994 because the City wasn't perhaps yet ready for enforcement. It wasn't brutal, it wasn't unfair, it took into account the circumstances of the building but it was certain, it happened. When there's a housing code inspection and there's a violation we're going to be there and we're going to be there and persist until the violation is corrected...that is the key to it and I've gotten sort of annoyed about this whole discussion over the past several months because I think this Committee and this Board are being taken in circles. Alderman DeVries, I truly don't believe that there's a lot that's needed at the state level to modify laws to permit us to do what we need to do. I say with great pride and anybody can contradict me if they wish that I am proud of what we did at Housing Code, we basically retooled what exists right now because we did the work, we did the job and we made it clear to people that our goal was improved housing and corrected violations. With one further comment I'd also point to the structure of the department. The department is overseen by the Housing Code Board. The Housing Code Board is built-in coordination among City departments...the Fire Chief, the Health Officer and the Building Commissioner...the three members of the Board...there were two citizen members of the Board, the Chair of the Board in my tenure Tom Wallace an architect. If I recall correctly he succeeded Andy Isaak another architect and I think Tom got the call because when Andy had left Tom was working in his office. But, they cared about the City, they were professionals...we had this kind of building coordination. The departments that weren't on the Board...well, Frank Thomas is here in the room...notice I didn't speak to Frank but I spoke to his people. When there was a coordination issue needed I got on the phone and we coordinated, it worked. So, I'll shut up and try to answer any questions you have or at least try to.

Chairman O'Neil stated Tony you mentioned and you bring back many years ago that we had a Housing Board was that in some ways played the role of a housing court?

Mr. Simon replied no.

Chairman O'Neil asked was it an appeal process though?

Mr. Simon replied some violations could have been appealed to the Housing Code Board but that wasn't the typical route. The Board was mostly policy setting and supervisory. They had some authority...for example, when a building didn't

qualify for a Certificate of Compliance and I came in and the program was just new you will recall that Frank King retired, they had just started the program right. One of the modifications we made was we created and I did write this one when I was in Solicitor's...we created a transfer for the action because the way it was originally passed the ordinance said you'll have a Certificate of Compliance or you won't run the building. Well that wasn't reason particularly in the housing market, the economic market that existed then. So, we created a transfer permit. The Director, me had the responsibility issuing transfer permits because I recall my authority expired after 60 days. Transfer permits 60 days away had to go to the Board and they had to approve them. So, that it was that kind of authority...not appellate authority.

Alderman Lopez stated so you don't think a lien would make any difference.

Mr. Simon stated it might...that's the one option that right there might need some further study but I think there are problems with the lien and the problems potentially with the notification process. As I understand it and I'm not completely clear on it there's been a change to what I call the citation procedure... what was the City's citation ordinance. If you notify the wrong person or if you're not clear enough on your notification I think you're going to mess up the lien. As I understand it as part of this proposal by NeighborWorks which I think is ill conceived I think there are real notification problems and I think we run the risk of creating a legal morass for the City and the property owner which would be worse than what we're trying to solve. We didn't see the need for liens except in one instance really and we never got to it. Where we could have used a lien was when we had a fire damaged or destroyed building and at that time we had several of them and they were nightmares. A building would burn...Alderman DeVries may have been with the department at the time...Fire Department would very efficiently put out the fire but then the building would sit and sit and sit and sit and then as the economic times started changing the problems...forgive my use of the word...would move into the buildings and prostitutes operating out of the buildings, drug deals taking place in the buildings and the buildings were an eyesore and if you lived next to them they stank because nothing stinks with the possible exception of a dead body...nothing stinks like the abandoned building that's been burned and been allowed to get wet in weather. We weren't getting them taken down and that was the one situation where we thought a lien on any insurance proceeds of the building might have been helpful. Other than that we saw it as more work than really being effective. What is effective is the persistence and the determination to follow through on the procedure. To let the responsible person in that building know that the City of Manchester is there, the City of Manchester is not going away until you correct the violations and if you draw a line in the sand...we'll cross it and we will take you to court and we will

prosecute you and we will win because we won in court 97-98% of the time. The ones we lost were on technicalities...Judge Capistran didn't like something we drafted typically. So, we will be there, we're not going away. The path of least resistance is really what code enforcement is all about and we made fixing the violation the path of least resistance because that is what we were set up to do. So, that is what works. It's not rocket science. Again, it's like your mother making you clean up your room...a lot more serious, a lot more critical to the City that reduces it to its basic simplicity and that's what it is.

Alderman Lopez stated but not all things being perfect as we'd want them we have a major problem. All of the Aldermen in the City have a problem, the neighbors have a problem and the community has a problem and unless we do something...increasing the fines is one thing...it might not be to the extent that was recommended but if it's in your opinion that the most important thing is that we don't have a Compliance Control Officer or a Housing Control Officer...just what is it. Everybody's had it...it costs us \$5,000...Alderman Forest figured that out with Frank Thomas to go over and pick up all this stuff...people throw couches, refrigerators...you name it. So, we do have a problem in the City.

Mr. Simon reiterated you have a big problem, Alderman.

Alderman Lopez stated we as policy makers have got to do something in order to solve that problem.

Mr. Simon stated I have to say to you at the outset I think the chickens have come home to roost. When this City had an independent Housing Code Department we didn't have these kind of problems because we dealt with them. If you recall we were in a very, very tough period in this City...housing/building crisis...building's had become commodities, they were investments anymore, they were commodities. They would be bought and sold every couple of months in some cases the value would go up \$25,000, \$30,000, \$50,000 so the incentive was there to flip and flip and flip and the banks played along which lead to their demise and that was the reason for the Certificate of Compliance ordinance...a license to operate residential rental property. When we had an independent department and that was a pretty touch period we had to reinvent our operation and then the City probably got lucky that I was new on the job, didn't know the job very well because as I learned it I had to modify it and we modified it to fit the circumstances. So, maybe and I know the Mayor was just in here advocating more consolidation but maybe it's time to return to an independent Housing Enforcement Department...maybe. I will thank you and the Building Commissioner will probably excoriate me for it but I'll tell you this because I haven't changed my bluntness in the 12 years...the talk in the City of Manchester when I was the Housing Code Director was that if you want to get something

enforced go see Simon...if you want something ignored go to the Building Department. New construction is completely different, new construction is completely different than enforcing existing housing standards ordinances. The Building Department didn't understand existing housing then and it's clear they don't understand it now and it's going to take more...in a City the size of Manchester, it's going to take more than a Compliance Officer. It's going to take a department or a division with clear leadership that's focused on the goal and processes and procedures that will lead you to that goal. It's not going to happen overnight because housing deterioration doesn't happen over night. It's a process, you need that mechanism in place...I'm not in any position to recommend a budget but I would think very carefully about what we were able to accomplish as an independent department. So, I think that the chickens have come home to roost and the question is how do we chase the chickens. It needs to be a division of a department, it needs to be adequately staffed and it's got to have the procedures and the will to take all the steps including going to court. I don't know if anyone remembers one of the advantages I had and it was an enormous advantage...I came from the Solicitor's office, I had my duties in the Solicitor's office when I couldn't get out of it...prosecuting criminal cases in the District Court. I understand that the District Court considers housing issues to be the bottom of the barrel but I prosecuted them myself. As I told you before we started with a report, photographs if necessary, we had the evidence of the violations, if it got to that point we tried not to get it to that point, we issued a citation and if it got to the further point...you can issue citations everyday and if the situation is serious enough you can issue citations every day and even when the fine is \$25, \$50 and \$100 issuing several days of citations in a row we used to cash register pretty high...it adds up pretty quickly.

Alderman Lopez interjected let me just stop you right there for a minute...just one more question I have. Leon, the Building Department does an excellent job as far as I'm concerned number one for what he has to work with but can housing enforcement be put into the Building Department instead of being separate.

Mr. Simon stated it can probably work as a division with proper leadership.

Alderman Lopez asked how many people...one?

Mr. Simon replied no, never.

Alderman Lopez asked how many people are you talking about?

Mr. Simon replied probably four inspectors and we had then a director and two clerical positions to process the violations...I forget what the title was...a Certificate of Compliance Supervisor...so there were eight people. You might achieve some economies with existing clerical staff, you can probably achieve some economies in computerization. But, I bet you it's going to take you four inspectors because we've already heard this season that the 3-year cycle is 40 to 42 months, so it's probably going to take four inspectors, better if five and it's going to take some clerical support and it's going to take some leadership.

Alderman Lopez stated I think we're going to have to look at that very carefully and try to find some other way to do this because you're talking about another division...five people, six people.

Chairman O'Neil interjected it already exists.

Mr. Simon stated yes it already exists.

Chairman O'Neil stated we have four inspectors and a supervisor is a division of the Building Department today. But, I think as alderman DeVries said during your comments it all comes down to bodies. So, let's continue this a little bit.

Alderman Forest stated I just have a couple of comments and Tony I want to go home before midnight.

Mr. Simon stated oh, I do too. Remember, I'm on the clock as a State Representative...my hundred dollars a year.

Alderman Forest stated the question I have again Alderman Smith has a problem that depending on who you talk to and I know as a rookie police officer I dealt with this person 42 years ago...it's been a problem at least court wise for 20 or 15. These are the kind of people we're dealing with...Alderman Smith and Alderman Thibault and I believe Alderman Osborne also. We have got people that we have cited, they haven't changed anything, they go to the limit on the City's powers and they go to the limit on the courts and we keep getting them back. How do we solve a problem like that? Alderman Smith has a file here that has to be an inch thick.

Mr. Simon stated I can give you a one-word answer and you won't be happy with it but it's the only answer...persistence. You keep doing it. When the problem arises you get the phone call and you go out with the camera and you document it. Knowing the history you probably issue the citation right then, right there...you

probably have the citation typed out before you go knowing what you're dealing with. Those are tough...but if you're persistent and you go at it and go at it and go at it. I had some involvement, I think I'm aware of what Alderman Smith is talking about.

Alderman Smith interjected I'm sure you do.

Mr. Simon stated I've had some involvement in that case and there's a long tangled history that makes enforcement difficult and I understand that. My solution to that situation went nowhere and I know there'll be laughter but the ultimate solution is the City to obtain the property by sale or tax deed or whatever and then let's redevelop it for affordable housing...that's the solution to that problem but until you get there it's persistence.

Alderman Forest stated that leads us to why I was talking to you about changing or at least talking to staff about the state law which prevents us from putting a lien or doing something like that on a property owner.

Mr. Simon stated that may be...the lien procedure may be one thing that's worthy of further exploration. I certainly concur with my brother Arnold that it's going to take a state law change. But, of course, as you know this just missed the deadline for filing legislation this session but this gives us plenty of time until the window opens next December to come up with something if that's useful. But, we've got to do it carefully because we can create a worse problem in my opinion.

Alderman Forest stated I believe, Tony, that I was talking about that in my committee today and I was informed and I may have heard it wrong but I was informed by Chairman Knowles that we as representatives can file amendments to existing laws and we don't have to wait until the legislative session. If we create a new bill, yes, but I believe that we as reps can file amendments to existing law.

Mr. Simon stated we can but the amendment has to be germane to the basic legislation. So, if there's something there perhaps it could be done as an amendment. I still don't think it's a bad idea to take the time we need to write it properly.

Alderman Smith asked Tony are you dead set against any rate increase...we've got to have some bite into this situation and I believe it's a slap in the hand. Like I said I knew you were there...we've gone to court with this individual at least 7 times and he just uses the legal manner and he uses the system wisely, he gets off

and it's a great cost to the City and we end up with the same result and like I say I talked with Clara Monier...tried to get affordable housing and such but you can't do it unless you get the place condemned somehow.

Mr. Simon stated you're right, Alderman, and I don't deny for a minute that that is a hard case in the true meaning of hard cases. But, I don't think any amount of fines is going to make that an easy case and of course any fine that you establish by ordinance has to be applied even handedly across the board. And, I think as a general rule with that level of fine you're creating more problems than it's worth and you're creating a lawyer's relief act. You're giving property owners...you're basically telling them to go out hire a lawyer and fight this because that's too much money to expend. But, no I'm not set against a reasonable level of fines. We can joke about \$25 and probably most of us waste \$25 in the course of a day today. But, it was very effective...probably first offense now I wouldn't go more than \$50 because remember it doubles and remember everyone you issue...the first one is \$50 the second one might be \$100 and the third one maybe \$200...they double after seven days and in the tough situations you issue one every day that you have a person unfavorable to issue it. In fact, I think and again I may get myself in more trouble but that's the fun of all of this. If the City and the place you're talking about is linked on several occasions, in my opinion, if somebody had been out there on the basis for a citation then somebody had been out there everyday...will you have a staff member available to issue that citation. I bet we would have discovered where the tipping point is because in every case no matter how hard it is there is a tipping point at which you're going to get compliance because again it's the path of least resistance. But, it's a hard case no doubt about it. I'm glad I'm not an Alderman with that in my ward.

Chairman O'Neil stated okay ladies and gentlemen what are your wishes? Any further questions for Representative Simon? There were none. Is there a motion?

Alderman Smith moved that we raise the fees according to the City Solicitor's recommendation to \$200/first offense, \$300/second offense and \$500/third offense. Alderman Forest duly seconded the motion. There being none opposed, the motion carried.

Chairman O'Neil stated that will be reported out to the full Board and referred to the Committee on Bills on Second Reading, is that correct?

Deputy Clerk Normand replied that is correct.

Chairman O'Neil asked are there any other actions regarding send to our delegation a possible opportunity to amend state law?

Alderman Lopez stated I think we'll proceed to ask our representatives and the Senate to submit an amendment to reflect a lien against property these people don't pay. Alderman Smith duly seconded the motion.

Alderman DeVries stated it doesn't have to be looking for germane legislation in the House, the Senate can still introduce legislation if it's authored quickly. It's a piece that (lien) that I'm probably less familiar with on the usefulness and I'm not sure if that was the one piece that publicly troubled me the most. I'm not sure... was that part of the recommendation...our Building Department Director was thinking he wanted to put forward. I got the impression when he was giving testimony that there were some other things that he had in mind too.

Chairman O'Neil asked Leon were there other specific items related to this issue that may need to be amended in the legislature?

Mr. LaFreniere replied there was general discussion about the types of changes that could be essentially implemented that might help put some teeth into this process and certainly any tool that would get an owner's attention would be something that would make the whole process effective.

Chairman O'Neil asked is a lien one of those tools?

Mr. LaFreniere replied a lien was one of the tools that was discussed but we recognize that that is an avenue that is fraught with some difficulties both from an administrative standpoint as well as constitutionally so that's something that we would want to proceed with carefully. There were some other changes that we talked about and these are not necessarily my suggestions but were discussed about doing something as minor as trying to upgrade the designation of the various violations from the violation as a misdemeanor or getting the District Court to somehow recognize and issue a bench warrant when someone did not appear for a violation because right now a bench warrant is only issued for somebody who does not appear for a misdemeanor or above. So, those are the sorts of things we talked about that might really add some teeth that would require either some legislative changes or at least some direction from the legislature to the courts.

Chairman O'Neil stated I don't mean to steal your thunder here a little bit but I'm just trying to think of the mechanics of this. Is there a possibility that this same committee that met could meet before the full Board meets next week?

Mr. LaFreniere replied I believe that's entirely possible. I certainly would feel more comfortable.

Chairman O'Neil stated I'd like to suggest that and that could may be be the motion to refer to the full Board is changes in state statutes and maybe to clarify it at the full Board meeting next week with what those requests will be.

Mr. LaFreniere stated Mr. Chairman with recognition that time is of the essence if we were to try to introduce anything this session I think that it may be difficult to respond before next week's meeting with specific recommendations. I think that certainly the departments could try to get together and meet but some of them are going to require some research in terms of knowing exactly how before the staff might be in a position to recommend to the Board specific legislation.

Chairman O'Neil asked research in what way? Are you talking conflicts with other state laws and such. The research people in the legislature will do all that.

Mr. LaFreniere stated that's part of it but just the construction, the language to be both effective.

Chairman O'Neil stated having served in the legislature you can go with one or two words and they usually find a pretty good way of crafting it that it meets state law so I would suggest that we don't have to worry about that...that that research and legal works exists in both bodies of the legislature depending upon which one is more appropriate to introduce. So, I think it's more the particular items whether it's violations to misdemeanors and those kinds of things. I would suggest that maybe our concentration is not just coming up with what are the issues we'd like the legislature to look at.

Mr. LaFreniere stated I certainly think that's something the Building Department would be ready to participate in and I guess I would look to my colleagues.

Chairman O'Neil stated the only people that maybe...Deputy Chief Albin's in the back there...David is that something you may be interested in? I noticed when the group met with was City Clerk, Health, Building and Ordinance Violations...is there already laws that give the Fire Department the powers they need or could some of this discussion help the Fire Department as well?

Deputy Chief David Albin replied the Manchester Fire Department has three people now that are currently authorized by the state to issue state citations/complaints so to speak for violation of the State Fire Code. We'd be happy to participate in anything.

Chairman O'Neil stated if we're going to attempt to get the legislature...there might be some changes that might make sense so maybe we could ask someone... either you or someone from your staff to join these discussions.

Deputy Chief Albin stated certainly anything you need.

Chairman O'Neil asked Alderman DeVries are you okay with a general recommendation to the Board for next week and we'll try to come up with the specifics?

Alderman DeVries replied I'm fine with that.

Chairman O'Neil asked is there a motion.

Alderman DeVries duly moved to the recommendation. Alderman Lopez duly seconded the motion. There being none opposed, the motion carried.

Chairman O'Neil addressed item 6 of the agenda:

6. Report from Mayor Guinta and the Public Works Director, if available, regarding previous recommendations of the Public Works Director regarding centralized purchasing.

Chairman O'Neil stated a couple of things...the word "Central" will be struck from any further discussions...we can either call it "Coordinated Purchasing", "Purchasing Operations" but we will strike the word "Central".

Mr. Frank Thomas, Public Works Director, stated it's a "Purchasing Function." Hopefully, you have received the letter under special delivery...it didn't make the agenda but I did meet with the Mayor as directed.

Chairman O'Neil interjected let me stop you for a second...does everybody have Frank's communication?

Deputy Clerk Normand stated it was part of a revised agenda.

Mr. Thomas stated what I saw in the agenda was the letter dated January 5th. This purchasing operation could take a look at any proposals that come into the City that affects all of the departments to see number one does it conform to procurement requirements. Number two to evaluate it and prepare a recommendation to this Committee. Also, this group would look at pulling

together electronically a lot of the documents that are out there with a lot of departments...a lot of the larger departments have tailored their contract documents, their boiler plates, their forms for change orders and what not...those could be all drawn together...consolidated electronically and then made available to all of the other departments. Pretty much lastly this purchasing operation would be on going working with your Committee and the Mayor to see what other areas could be improved upon as far as policies and procedures but it would be a working function between the Mayor and this Committee. So, what I had envisioned from the beginning is that this would be to take these two employees that we have, bring them in under Public Works/Highway and then expand their roles to provide a service for all of the departments so that we're not all trying to procure office supplies but yet if there is something that we procure in the line of office supplies that don't meet your need you still have the ability to go out and do it on your own. So, we want to try to save money and make it easier for everybody.

Alderman Smith stated Frank you're telling me now that you're going to do the purchasing on common goods...not specialized equipment and various departments will still have control over that whether it's buying a fire engine or a specification for a certain cruiser they will still be handling specialized equipment...it will only be for common goods like band aids and paper products.

Mr. Thomas stated that's correct...office supplies, automotive supplies...things that affect more than one department. Specific purchases for one department would still be done by that department.

Alderman DeVries stated quickly as you go through the prequalification of contractors and vendors if you could just make sure that they pay attention to the Committee on Accounts write-offs...make sure that those individuals haven't become part of that master prequalification list...I realize that that's something in the Highway Department that you do so I only anticipate that that will be continued as management practices.

Mr. Thomas stated definitely.

Alderman Lopez stated along the same lines as Alderman Smith...no means will a department head regarding equipment will be told to go through central purchase if they need that equipment in their department...

Chairman O'Neil interjected that word doesn't exist anymore.

Alderman Lopez stated central out, purchasing in...in the last paragraph...could we get a monthly written report as to what's being done as to the savings or policies or just exactly what's taken place on a monthly basis to this Committee.

Mr. Thomas stated sure I think that's reasonable. Again, I don't think you're going to see any results overnight but I think the intent right from the beginning was to maintain communication with this Committee and obviously the Mayor and so to get further direction once we get up and moving.

Chairman O'Neil stated Deputy Chief Albin is sitting in front of me so the Fire Department might be a good example...they're going to bid for a fire truck...that is their responsibility, they may ask for a "do you have a certain document that may help us in that process"...but other than that the bidding of that fire truck is their responsibility.

Mr. Thomas stated that is correct.

Alderman DeVries stated currently the Fleet Manager reports directly to you is that not correct, frank?

Mr. Thomas replied officially I'm the Fleet Manager.

Alderman DeVries stated okay I guess my question is this a change to your organizational flow chart in the department.

Mr. Thomas stated right now my Purchasing Agent is part of my administrative section. What I envision happening is that I'm going to further break that administrative section down so that the Purchasing Agent will report directly to myself and my Deputy along with the other person that will be in that purchasing function. Does that answer your question?

Alderman DeVries replied it does...so you'll be changing the organizational flow chart a little bit within the organization.

Mr. Thomas stated a very little bit. Under my administration section there will be a little group called purchasing.

Alderman DeVries stated so let's ask next question. Is it your perception that this will change your grade or the grade of any of your direct employees?

Mr. Thomas stated I like that idea...I don't believe that that's going to happen. Right now, we don't envision any changes in the grade of our Purchasing Agent but obviously we have the ability to request position classifications down the road but it is not part of the proposal.

Chairman O'Neil stated Frank the Mayor agrees with what you've presented to us.

Mr. Thomas stated that's correct.

Chairman O'Neil asked what are the mechanical things need to happen. I know when I spoke to you earlier today Mindy is already being reimbursed from some fund I'm not 100% sure what it is but then we need that to happen, we also would need Lisa to be once this is adopted be formally moved to the Department of Public Works.

Mr. Thomas stated that is it exactly. I think that once this is approved by the full Board of Mayor and Aldermen then those two individuals should be officially signed to the Highway Division of Public Works and that there has been expenses appropriated as part of a potential enterprise fund offset by potential revenues from the P-cards. So, there's an expense that's been appropriated in this budget. I would like to see besides the two bodies coming over that there's enough salary and benefit dollars to come along with them.

Chairman O'Neil stated because it looks like we're heading in that direction mid fiscal year there's going to be a few curves to work through in making this happen. As you're starting to prepare for your '08 fiscal year budget those positions would need to be included in your operating budget.

Mr. Thomas stated they will have to be included in the operating budget yes...we'll definitely be talking to the Mayor's office regarding that as we move forward.

Alderman Forest asked if this occurs there would be a transfer of Mindy and Lisa to your department from wherever they are now.

Mr. Thomas stated that's correct.

Alderman Forest stated the question I have seeing I have been to your office where would you put them.

Mr. Thomas replied we have a lot of room. Actually, we do have a small conference room at the end of the upstairs hallway area...it is not a very big office but it would be large enough to accommodate one person until we got our new Public Works facility.

Alderman Forest stated Lisa could be old and gray by then I think.

Alderman DeVries moved to approve the Coordinated Purchasing proposal as presented and move that to the full Board.

Chairman O'Neil asked Frank do we need to include any other actions regarding money or that or should that happen by adopting the proposal or is that a Finance issue or a legal issue?

Mr. Thomas replied I'd like to think it will just work it's way through the system.

Alderman Lopez duly seconded the motion. Now, Randy, in reference to this and passing this at the full Board, if it passes...funds will be transferred to the Highway Department's budget.

Mr. Randy Sherman, Interim Finance Officer, stated you have two choices that you can do. Two Hundred thousand dollars was budgeted separately as a separate department as part of this year's budget. What we have done to date is Lisa Thibault is actually still on City Clerk's payroll...they then charge us back for the time that Lisa's been and that's is getting charged separate purchasing budget. The same thing has been happening for Mindy. I think we did it back in December I think we've made one adjustment. We can either leave that money there and then have those individuals automatically charged to that budget going forward so it's accounted for separately or I believe under the Charter there is a provision that surplus dollars within a budget can be transferred over to another budget. So, you could actually take that action if that's what you choose. So, there's really two venues...either way there's \$200,000 to pay for those two individuals.

Alderman Lopez stated right...what would be the financial...without any complications would it be easier just transferring the money over.

Mr. Sherman replied personally I think it would be easier to leave the dollars where they are and that way you could at least get it accounted for separately.

Alderman Lopez stated for the rest of the year.

Mr. Sherman stated for the rest of the year.

Alderman Lopez stated so long as they get paid.

Mr. Sherman stated we'll do that automatically. Once all the actions have taken place that's a process that Frank and I will do with Human Resources and get those two individuals transferred to that department so to speak and then automatically going forward they'll be charged there.

Alderman DeVries asked do you need an amendment to this motion?

Chairman O'Neil replied yes.

Alderman DeVries stated if I might ask one question before I amend my motion. The surplus money that you discuss taking action on that would be an end of year accounting function anyway.

Mr. Sherman stated you could actually do it mid-year because we would have to come to the resolution that as of a particular date there is "X" number of dollars left in that appropriation that is not going to be used and we could transfer that over to public works. But, I still think it would be cleaner if we just left that and just assign those two employees to that cost center.

Alderman DeVries stated my perception is if we are looking to continue to charge within the established fund that my motion for the acceptance and implementation of the proposal should be effective July 1st and that we act on to the best of our ability under the functions that we have today...I'm trying to think of the proper term but I just don't want the Highway Department to end up on the short end of a difficult budget here anymore.

Mr. Sherman stated they won't. Again, as we've done up through this point those two individuals in essence have been charged to that budget except for a very few number of hours that Lisa Thibault has actually done some work for the City Clerk's office to kind of bail them out...their salaries and benefits have been charged there up to this point.

Alderman DeVries stated so we're not concerned that the motion implementing this ahead of July 1st is going to cause them any budgetary problems when they're out of it.

Mr. Sherman replied no...the \$200,000 is there and you can make it effective I would say a week or two after the Board takes the vote so we can coordinate the movement of people.

Alderman Lopez stated in reference to the P-cards we're not going to have all this charge back and all that stuff are we.

Mr. Sherman stated no. The issue that Frank has is the first item on there...we have staff that is cross-strained to do what Lisa Thibault is doing with the purchasing cards which is really managing the system at this point. I think all but maybe one department is up and running on P-cards so Lisa's really done the bulk of the work on that. The only issue there is and we've said it all along is that if part of...we get rebates based on spending. If part of the spending as it the case comes through Airport or Water or Parks when the rebates are actually calculated we'll have to share that rebate with those enterprise funds that have contributed to hitting those caps and that's really all that Frank is saying on that.

Alderman DeVries moved to amend her motion that the program be implemented when passed by the full Board and the charges be within the existing \$200,000 special account until July 1st when the new budget takes effect. Alderman Lopez duly seconded the motion.

Chairman O'Neil stated I want to thank everyone for their work on this I didn't necessarily know where we were going to go when this started but we seem to have moved in the best interests of the City. We protected two employees that were kind of left hanging out there not knowing if they were going to have jobs... going to bring some savings to the City and I think this is a step forward and I'm going to speak for myself. I hope this closes the door in purchasing for a while... we let this run...I would not support a formal centralized purchasing but I think this is a move in the right direction and I think it's going to accomplish the goals of many so with that I will call for a vote. There being none opposed, the motion carried.

Chairman O'Neil addressed item 7 of the agenda:

7. Recommendation from departments regarding contract for centralized copier purchasing, if available.

Deputy Clerk Normand noted there is a staff meeting scheduled for January 22nd at one o'clock on this issue.

Mr. Sherman stated with vacations and holidays and the like the number of people we have involved was hard to get a day.

Chairman O'Neil asked are Police meeting in that, are they part of that.

Mr. Sherman stated Police yes I believe so and I think we've added Library as well now.

Chairman O'Neil stated Denise has a letter in and they have a contract and some concerns. Are all parties to the best of your knowledge that are interested in this subject are going to participate...are all departments welcome.

Mr. Sherman stated if any department would like to come we'll gladly hand out a copy of the contract.

Chairman O'Neil stated participate in the discussions not have to participate in the program.

Mr. Sherman stated right.

Chairman O'Neil asked should we get a communication that this meeting is happening?

Mr. Sherman replied no if I can keep Lisa Thibault for another week I think we're good.

Alderman DeVries moved to table item #7. Alderman Forest duly seconded the motion. There being none opposed, the motion carried.

NEW BUSINESS

Communication from Ron Ludwig, Director of Parks, Recreation & Cemetery, requesting the fair license fee for the fireworks display on July 3, 2007 be waived.

Alderman Lopez moved to waive the fair license fee. Alderman Forest duly seconded the motion. There being none opposed, the motion carried.

Alderman Smith stated I'd like to ask the Solicitor if he's made any inroads into the political signage that we had several meetings ago.

Deputy City Solicitor Arnold stated as you know I'm presently looking at ward ordinances we could enact and also looking at the state law to see if requesting any changes there might be appropriate.

Alderman Forest stated I can answer some of that. I met with Bill Gardner about two-and-a-half weeks ago about the state law on signs and I know there's some constitutional questions and all that but Secretary of State Gardner is preparing an amendment to the state law and when it is ready he will assist me in presenting it so it goes to the right committee seeing that the law may be changed. So, it's in process at the state and I just thought I'd let you know that.

Alderman Forest stated actually, it's probably not the purview of this Committee but I promise a couple of people that I would make this comment. New Year's Day and a day later I got several calls from the constituents about all the streetlights at the Amoskeag Traffic Circle. I know it's not part of this Committee and everything else but there are some people I explained to that I would say it tonight because this is the earliest meeting we've had. I talked to Bob Roy at Highway and Bob has met with Public Service and the Department of Transportation about the lights. It's a problem with the underground conduits and the wiring...the State DOT has put out a bid to fix the problem and when that happens...it won't get done tomorrow but I just want to let my constituents know that Public Service and the DOT are working on it...they will fix and turn on those lights as soon as they can.

Chairman O'Neil stated these are not traffic signals but lights.

Alderman Forest stated these are streetlights and there are about 40 of them that have been out about two years. It's totally dark around the Amoskeag circle.

Chairman O'Neil stated they're on of it and it's being taken care of.

There being no further business to come before the Committee, on motion of Alderman Smith, duly seconded by Alderman DeVries, it was voted to adjourn.

A True Record. Attest.

Clerk of Committee